

## IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

**1309-13162**

COLUMBIA MEDICAL CLINIC, P.C.,  
an Oregon Corporation,  
Plaintiff,

COMPLAINT FOR PERSONAL INJURY  
PROTECTION BENEFITS

vs.

AMOUNT OVER \$50,000  
AND NOT SUBJECT TO MANDATORY  
ARBITRATION

ALLSTATE FIRE AND CASUALTY  
INSURANCE COMPANY, an Illinois  
Corporation.

AMOUNT PRAYED for \$ 69,352.13

Defendant.

Plaintiff, by and through its attorney of records, alleges as follows:

1.

Defendant, Allstate Fire and Casualty Insurance Company Incorporated (from this point forward referred to as "Defendant") is an Illinois Corporation doing business as an insurance company in Oregon.

2.

Plaintiff, Columbia Medical Clinic (from this point forward referred to as "Plaintiff") is an Oregon corporation providing licensed chiropractic and other medical services in the State of Oregon.

3.

Plaintiff has been assigned all rights that the named patients, and each of them, listed below, have against Defendant for PIP benefits. At all times mentioned, the patients listed in chapter 13 were patients of Plaintiff and have generated medical bills for services rendered by Plaintiff, as more specifically set out. Each listed patient was involved in a motor vehicle

PAGE 1 of 4—COMPLAIN

Law Offices of James E. Shaddock  
7318 N Leavitt Avenue  
PORTLAND, OR 97203  
T. 503.847.2747 / F. 503.980.7881

1 accident less than two years from the date of the Complaint but at least six months from Proof of  
 2 Loss to the defendant by the patients named, and sustained injuries requiring necessary medical  
 3 treatment provided by Plaintiff within the applicable periods of Personal Injury Protection  
 4 afforded by Allstate.

5 4.

6 For medical services rendered to the listed patients, Plaintiff has submitted bills to  
 7 Defendant for treatment, examinations, and other necessary medical care provided by licensed  
 8 caregivers employed by Plaintiff.

9 5.

10 At all times mentioned, each listed patient had an automobile insurance policy with  
 11 defendant, including personal injury protection ("PIP") with medical benefits in the amount of  
 12 \$15,000, with coverage for one year post accident.

13 6.

14 Plaintiff has been assigned all rights by the listed patients, to seek reimbursement for  
 15 Defendant for bills submitted, which are reasonable and necessary.

16 7.

17 Plaintiff and/or the Plaintiff's patients have submitted all billings for necessary and  
 18 reasonable medical care on behalf of the listed patients in paragraph 13, for the amounts listed  
 19 there.

20 8.

21 Defendant has not paid for the necessary care provided by Plaintiff and has effectively,  
 22 denied coverage for medical benefits to the listed patients.

23 9.

24 Each listed patient is entitled to full medical benefits under their Allstate Casualty and  
 25 Fire Insurance Company PIP coverage, which are covered under their policies. Plaintiff is  
 26 entitled to all medical benefits through EACH LISTED PATIENTS' policy coverage period, for

up to one year from the date of the accident, in an amount not to exceed \$15,000, for each patient, as listed in monetary detail in paragraph 13. Plaintiff is entitled to 100% payment of reasonable and necessary medical care rendered unto each listed patient, rendered by Plaintiff.

10.

Defendant has received proof of loss regarding each listed patients' accident six months or more prior to filing this Complaint.

11.

Each listed patient/assignor and Plaintiff has performed all conditions required of them under Oregon law and the terms of the policies at issue.

12.

Plaintiff is entitled to recover its reasonable attorney fees pursuant to ORS 742.061.

13.

The patients who have assigned their rights, the date of loss and the amount of the denied benefits is as follows:

Name	Amount	Claim	Accident date
ROMAN TAFSESE	\$2,177.32	0162221899	2/28/10
HAI VU	\$2,307.39	0168668242	5/19/10
LINH TON	\$350.00	0175696151	8/19/10
BINH LAM	\$545.75	0175696151	8/19/10
LY HANH	\$318.75	0175696151	8/19/10
TRUCLINH MACH	\$109.75	0186943320	12/25/10
AN NGUYEN	\$109.75	0186943320	12/25/10
ROSE NGUYEN	\$54.75	0186943320	12/25/10
JAMES NGUYEN	\$54.75	0186943320	12/25/10
ANDY VU	\$250.00	0189944027	1/21/11
KARELEN DURST	\$3,139.73	0192736924	2/19/11
TRAM NGO	\$1,900.00	0202342093	5/9/11
ANNA LUO	\$570.75	0211689765	6/11/11
KEVIN LY	\$3,632.11	0209099547	7/2/11
HIEN NGUYEN	\$525.00	0254385511	8/2/11
KHOI NGUYEN	\$341.55	0215439035	8/25/11

PAGE 3 of 4—COMPLAINT

Law Offices of James E. Shadduck  
7318 N Leavitt Avenue  
PORTLAND, OR 97203  
T.503.847.2747 / F. 503. 980.7881

1	PHEARON SAKHAN	\$573.16	0221322746	10/5/11
2	THOMAS			
3	PETTERFER	\$1,733.03	0229487343	12/17/11
4	EVA BRAVO	\$135.00	02232802256	1/19/12
5	KRYSTIE VAN	\$2,415.00	0254385511	8/2/12
6	KEVIN JOHNSON	\$1,540.00	0259056141	9/12/12
7	BANG TAT	\$4,670.00	0263544850	10/27/12
8	MARRIE GILL	\$755.00	0264919630	11/1/12
9	NGUYET TRAN	\$2,271.15	0267549772	11/18/12
10	BRAVO MARLON	\$7,540.00	0268603727	11/28/12
11	AMY NGUYEN	\$3,407.44	0279485114	3/16/13
12	AN NGUYEN	\$3,265.00	0279485114	3/16/13
13	DE VO	\$985.00	0280026766	3/20/13
14	TECHIMINA ERAM	\$5,635.00	0280971243	3/25/13
15	MARK SAMMY	\$5,545.00	0280971243	3/25/13
16	KENNETH BARTLEY	\$3,715.00	0281301200	4/2/13
17	MINH LE	\$1,965.00	0286549092	5/17/13
18	CHINH TIEU	\$2,545.00	0288854243	6/6/13
19	CANG HUYNH	\$1,520.00	0288854243	6/6/13

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:


i. Economic reimbursement to Plaintiff for unpaid medical benefits provided by Plaintiff for the patients listed in paragraph 13 in an amount to be determined, prior to trial, for incurred treatment received for the period of PIP coverage for each of the listed patients in paragraph 13;

ii. Reasonable attorney's fees pursuant to ORS 742.061;

iii. For Plaintiff's costs and disbursements hereby incurred;

DATE THIS 16 day of Sept., 2013.

LAW OFFICES OF JAMES E. SHADDUCK

  
 James Shadduck, OSB No. 870830  
 Robert Le, OSB No. 094167  
 Of Attorneys for Plaintiff